UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ROBERT S. BERRILLO and JANE M. BERRILLO, Plaintiffs, v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., et al. Defendants.	)	C. A. No. 11-338-M-LDA

ORDER

This Court issued a show cause order on April 9, 2014 (ECF No. 24) requiring the Plaintiffs, Robert S. Berrillo and Jane M. Berrillo to show cause by May 9, 2014 "why the Court should not grant the Defendants' Motion to Dismiss (ECF No. 18) . . . in light of this Court's ruling in *Clark v. MERS*, No. 12-802-M, 2014 WL 1259954 (D.R.I. March 27, 2014)."[1]

Mr. & Mrs. Berrillo filed a response to the show cause order (ECF No. 29) asserting that "the loan servicer, Ocwen, would review the Plaintiffs for a possible loan modification." *Id.* Moreover, Mr. & Mrs. Berrillo's response did not submit any legal or factual differences between their case and the *Clark* case. They also filed an Emergency Motion to Stay Further Proceedings. (ECF No. 27.)

Defendants objected to the Motion (ECF No. 30) and assert that the "settlement process is irrelevant, because on November 6, 2013, the Court issued an order removing this case (which involves a commercial property) from the settlement program." *Id.* at 1-2.

[1] *Clark* was a case the parties chose as an exemplar case covering universal legal issues as other cases on this Court's mortgage foreclosure docket. This Court also issued an order in *Era v. Morton Community Bank*, C.A. No. 11-455-M, 2014 WL 1265699 (D.R.I. March 28, 2014), another exemplar case dealing with many of the same issues.

This Court finds that Mr. & Mrs. Berrillo have not shown cause why it should not grant Defendants' Motions to Dismiss. The facts in their complaint are substantially similar and the law governing is equally applicable with the facts and law in the Court's recent rulings in the exemplar cases of *Clark v. Mortgage Electronic Registration Systems* and *Era v. Morton Community Bank.*

Defendants' Motion to Dismiss (ECF No. 18) are GRANTED. This matter is dismissed with prejudice.

IT IS SO ORDERED.

John J. McConnell, Jr.
United States District Judge

May 21, 2014